

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN MARCOS-CHAVELA,

Plaintiff,

v.

NEW YORK CITY 9-11 MEMORIAL
MUSEUM, *et al.*,

Defendants.

CASE NO. C22-1060-JCC

ORDER OF DISMISSAL

Plaintiff has filed a *pro se* complaint against the New York 9-11 Memorial Museum, Hillary Clinton, Donald Trump, Prince Said Bin Faisal, NBC, Governor Kahty Hochul, and Jacob Stephens. Dkt. 1. Plaintiff also seeks to proceed *in forma pauperis*. *Id.*

When a person seeks to proceed *in forma pauperis* the Court must review the complaint and dismiss it if it is “frivolous, or malicious; fails to state a claim upon which relief may be granted; or seeks monetary relief against a defendant immune from such relief.” 28 U.S.C. § 1915(e)(2)(B); *See also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th Cir. 2001) (“[T]he provisions of 28 U.S.C. § 1915(e)(2)(B) are not limited to prisoners.”); *Lopez v. Smith*, 203 F.3d 1122, 1126-27 (9th Cir. 2000). Section 1915(e)(2) requires a court reviewing a complaint filed under the IFP provisions of 28 U.S.C. § 1915 to rule on its own motion to dismiss before directing service by the U.S. Marshal under Federal Rule of Civil Procedure 4(c)(2). *Lopez* at 1126.

1 Under Fed. R. Civ. P. 8(a)(2), a pleading must contain “a short and plain statement of the
2 claim showing that the pleader is entitled to relief.” A plaintiff need not give “detailed factual
3 allegations,” but must plead sufficient facts that, if true, “raise a right to relief above the
4 speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007). To state a claim upon
5 which relief may be granted “a complaint must contain sufficient factual matter, accepted as true,
6 to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678
7 (2009) (quoting *Twombly*, 550 U.S. at 547). A claim is facially plausible when the factual
8 allegations permit “the court to draw the reasonable inference that the defendant is liable for the
9 misconduct alleged.” *Id.*

10 The complaint here is largely unreadable and incomprehensible. It appears to allege
11 “Acts of Treason”; “governmental telling of lies”; “Ohio original 9-11 rules in continuance –
12 then to Egypt”; “Mubarek [sic] and other Arab leaders.” These fanciful and unsupported
13 allegations should be dismissed because they present no point of law that is arguable on the
14 merits. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989) (“Courts of Appeals have recognized
15 § 1915(d)’s term “frivolous,” when applied to a complaint, embraces not only the inarguable
16 legal conclusion, but also the fanciful factual allegation. and not supported by any facts.”); *see*
17 *also Norton v. Amador Cnty. Detention Facility*, 2009 WL 3824755 slip op. at 2 (E.D. Cal. 2009)
18 (listing cases dismissed based upon fantastical or delusional allegations).

19 Further, none of the Defendants are residents of this federal district and there is nothing
20 showing the alleged actions occurred within the district. The complaint is thus filed in the wrong
21 federal district. *See* 28 U.S.C. § 1391(b). When a case is filed in the wrong federal district the
22 Court shall dismiss the case, or if it be in the interest of justice, transfer the case to any district in
23 which it could have been brought. 28 U.S.C. § 1406(a). As noted above the complaint is

1 frivolous and thus dismissal, not transfer, is appropriate. For the foregoing reasons, the Court
2 DISMISSES the complaint with prejudice and strikes the application to proceed *in forma*
3 *pauperis* as MOOT.

4 DATED this 1st day of August 2022.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

JOHN C. COUGHENOUR
United States District Judge